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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 CONRAD G. ANCHETA JR.,

7 Plaintiff,

8 v.

9 GOVERNMENT OF NEVADA,

10 Defendant.
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Case No. 2:20-cv-01757-RFB-DJA

REPORT AND RECOMMENDATION

12 This matter is before the Court on pro se Plaintiff Conrad G. Ancheta, Jr.'s application to
13 proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (ECF No. 1) and Complaint (ECF No. 1-
14 1), filed on September 21, 2020.

15 The Court finds that Plaintiff's application is incomplete. Plaintiff leaves blank the
16 information under question 2 regarding gross pay, which leads the Court to assume he has no
17 income, but then indicates his expenses are attributed solely to his parents. (ECF No. 1). It is
18 unclear why the Court should consider his parents' expense – without any knowledge of his own
19 expenses as required by the application – in reviewing his application. As a result, the Court
20 cannot determine whether Plaintiff is eligible to proceed in forma pauperis. However, given the
21 fatal flaws in the complaint, the Court will recommend that his application be denied as moot.

22 Preliminarily, Plaintiff's complaint is largely incomprehensible. The majority of the
23 complaint is a long list of statutes, without any indication of how they apply or the factual
24 allegations to parse together a claim. Then, he ends with a request for \$1.1 billion in damages
25 without any justification for what claims he is attempting to assert that could possibly lead to such
26 a delusional damages amount. 18 U.S.C. § 1915(d) gives the court the power to dismiss "claims
27 whose factual contentions are clearly baseless." *Neitzke v. Williams*, 490 U.S. 319, 327-28
28 (1989). Plaintiff has failed to state any sort of cognizable claim, or even any claim at all. The

1 Court cannot decipher any logical set of facts in his submission, or any rights that may have been
2 violated. As such, the Court therefore concludes that this case is frivolous because it lacks an
3 arguable basis in law and fact. *See Neitzke*, 490 U.S. at 325. As Plaintiff's complaint is factually
4 frivolous and does not set forth a plausible claim, it should be dismissed without leave to amend
5 as it is apparent that amendment is futile.


6 **RECOMMENDATION**

7 For the foregoing reasons, IT IS HEREBY RECOMMENDED that this case be
8 **DISMISSED** and that Plaintiff's application to proceed *in forma pauperis* be **DENIED** as moot.

9 **NOTICE**

10 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be
11 in writing and filed with the Clerk of the Court within 14 days of service of this document. The
12 Supreme Court has held that the courts of appeal may determine that an appeal has been waived
13 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142
14 (1985). This circuit has also held that (1) failure to file objections within the specified time and
15 (2) failure to properly address and brief the objectionable issues waives the right to appeal the
16 District Court's order and/or appeal factual issues from the order of the District Court. *Martinez*
17 *v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452,
18 454 (9th Cir. 1983).

19 DATED: September 23, 2020.

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21 DANIEL J. ALBRECHTS
22 UNITED STATES MAGISTRATE JUDGE
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